

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4979 of 2007

Dated:13.03.2007

Between:

Arasavelli Rama Rao and others.

...PETITIONERS

AND

The Mandal Revenue Officer, Etcherla Mandal,
Srikakulam District, and others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4979 of 2007

ORDER:

The petitioners are aggrieved by the proceedings of first respondent, namely, the Mandal Revenue Officer(MRO), Etcherla Mandal, dated 10.01.2007, whereby and whereunder it was ordered to resume the land and effect necessary changes in the revenue records.

Fifth respondent herein filed an application before the Joint Collector alleging that land admeasuring Acs.4.20 in survey 27 situated at Dharmavaram Village, Etcherla Mandal, Srikakulam District, was assigned to her mother, Santhamma, and that after demise of her mother, petitioners 2 and 3 and father of first petitioner clandestinely obtained

D-Form patta. Accordingly, an enquiry was ordered by the Joint Collector. MRO, after conducting enquiry, found that the petitioners were in occupation of the land assigned to Santhamma, and after issuing notices and obtaining explanations, passed the impugned order. Feeling aggrieved by the same, the petitioners preferred an appeal before second respondent, namely, the Revenue Divisional Officer (RDO), along with an application for stay. As no orders are passed, alleging that there is threat of dispossession by MRO and his subordinates, they filed instant writ petition.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue, this Court is

convinced that having approached the appellate authority under Section 4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, the petitioners cannot maintain the writ petition. If the appellate authority has not passed interim orders, it is open to them to press for such orders. In case they are denied any stay, they can approach this Court. As petitioner approached statutory appellate authority, the writ petition is not maintainable. However, this Court observes that RDO should pass necessary orders either on the stay application or in the main appeal within a period of one week from today. Liberty is also given to the petitioners to approach RDO with a copy of this order.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

13th March, 2007

Note: Issue CC today.

B/o

ghn